

LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahcoc.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
JEANNE M. DIGIORGIO
DEBRA J. MILASINIC, Ph.D.
NICHOLAS P. TRIANO, III
WILLIAM D. DeVAUL

CHI SUK KIM
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER
ADAM M. GOODMAN*

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
PETER C. LAURO*
DeANN FORAN SMITH**

* Admitted in NY only
** Admitted in MI only
*** Passed the Patent Bar Examination

PATENT AGENTS
MEGAN E. WILLIAMS, Ph.D.
PETER S. STECHER

TECHNICAL SPECIALISTS
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.***
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
EUIHOON LEE
LISA M. DIROCCO
JENNIFER K. ROSENFELD
JUDITH STONE-HULSLANDER, Ph.D.
ALLAN TAMESHTIT, Ph.D.
CATHERINE E. McPHERSON
RICHA NAND
GARY W. PLOURDE II
ERIC F. WAGNER, Ph.D.
SHAHID HASAN, Ph.D.

008 Rec'd PCT/PTO 0 1 FEB 2001

February 1, 2001

Commissioner for Patents
Box PCT (DO/EO/US)
Washington, D.C. 20231

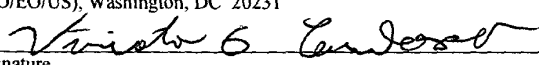
Re: U.S. Patent Application Serial No. 09/646,561
Title: *T CELL COSTIMULATORY PROTEINS, SEQUENCES
AND USES THEREOF*
Inventors: Gek-Kee Sim *et al.*
Filing Date: September 19, 2000 (International Filing Date: March 19, 1999)
Our Reference No.: HKZ-029CPUS

Dear Sir:

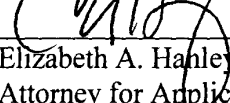
I enclose herewith for filing in the above-identified application the following:

1. a Response to Notification of Missing Requirements under 35 U.S.C. 371 (in duplicate);
2. two executed Declarations, Petitions and Powers of Attorney (8 pages);
3. a Petition under 37 CFR § 1.47(a), Declaration of Susan A. Gordon and accompanying evidence, including Exhibits A-C;
4. a check in the amount of \$130 (Petition fee under 37 CFR 1.17(h));
5. a copy of Form PCT/DO/EO/905;
6. a check in the amount of \$65.00 (surcharge under 37 CFR 1.492(e));
7. a Request for a Two-Month Extension of Time (in duplicate);
8. a check in the amount of \$195.00 (extension fee); and
9. a return mailroom postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

"Express Mail" mailing label number	EL 373208543 US
Date of Deposit	February 1, 2001
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box PCT (DO/EO/US), Washington, DC 20231	
Signature	
Viriato G. Cardoso	
Please Print Name of Person Signing	

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By 
Elizabeth A. Hanley
Attorney for Applicants
Reg. No. 33,505

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Gek-Kee Sim et al.

Serial No.: 09/646,561

Filing Date: September 19, 2000

International Filing Date: March 19, 1999

For: T CELL COSTIMULATORY PROTEINS,
SEQUENCES AND USES THEREOF

Attorney Docket No.: HKZ-029CPUS

Group Art Unit:

Examiner:

#3

Commissioner for Patents
Box PCT (EO/DO/US)
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir:

Responsive to the *Notification of Missing Requirements Under 35 U.S.C. 371* dated November 1, 2000, Applicants submit herewith two executed Declarations, Petitions and Powers of Attorney for Patent Application for the above-identified patent application. A check in the amount of \$65.00 is enclosed to cover the surcharge under 37 CFR 1.492(e). Applicants claim small entity status. A copy of Form PCT/DO/EO/905 is also enclosed.

02/06/2001 LLANDGRA 00000005 09646561

01 FC:254

Applicants also submit herewith a Petition under 37 CFR § 1.47(a), a Declaration of Susan A. Gordon, and accompanying evidence, including Exhibits A-C. A check in the amount of \$130.00 is enclosed to cover the Petition fee.

Additionally, a Request for Two-Month Extension of Time (in duplicate) and a check in the amount of \$195.00 is enclosed.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

"Express Mail" mailing label number EL 373208543 US

Date of Deposit February 1, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents, Box PCT (DO/EO/US), Washington, DC 20231

Viriato G. Cardoso
Signature

Viriato G. Cardoso

Please Print Name of Person Signing

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By

Elizabeth A. Hanley
Reg. No. 33,505
28 State Street
Boston, MA 02109
617-227-7400

Date: February 1, 2001

DOCKETED
DEC. 1, 2000 - MISS. REQ. & SURCHARGE,
OATH OR DECLARATION
MAY 1, 2001 - E.S.P. W/5 MOX.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/646561	SIM G	HKZ-029CPUS
ELIZABETH A HANLEY LAHIVE & COCKFIELD 28 STATE STREET BOSTON, MA 02109		
INTERNATIONAL APPLICATION NO.		
PCT/US99/06187		
I.A. FILING DATE	PRIORITY DATE	
18 MAR 99	19 MAR 98	
DATE MAILED: 01 NOV 2000		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):
☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☐ a non-English language.
☒ English.
☒ Translation of the international application into English.
☒ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☒ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☐ Preliminary amendment(s) filed _____ and _____.
☐ Information Disclosure Statement(s) filed _____ and _____.
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____.
☐ Verified Statement Claiming Small Entity Status.
☐ Priority Document.
☒ Copy of the International Search Report ☐ and copies of the references cited therein.
☒ Other: SEQUENCE LISTINGS

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

- ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875
FORM PCT/DO/EO/905 (December 1997)

Paulette Kidwell, Paralegal
Telephone: 703-305-3656

